

JS-6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

ALDEN ALEXANDER THOMAS,  
SR.,

Petitioner,

v.

GIGI MATTERSON, et al.,  
Respondents.

CV 23-1268 DSF (BFM)

Order DISMISSING action for  
failing to pay filing fee

On February 17, 2023, Petitioner filed a federal habeas petition and an accompanying, incomplete, request to proceed in forma pauperis (“First IFP Request”). (Dkts. 1, 2). After the Court requested additional information, on April 6, 2023, Petitioner filed another request to proceed in forma pauperis (“Second IFP Request”). (Dkts. 5, 6).

On April 27, 2023, the Court found Petitioner had the ability to pay the \$5 filing fee and denied the First and Second IFP Requests. (Dkt. 8). The Court directed Petitioner to pay the fee and warned that failure to comply would result in dismissal of the action without prejudice. (Dkt. 8 at 1).

Instead of paying the fee, on May 18, 2023, Petitioner filed another partially completed request to proceed in forma pauperis (“Third IFP Request”). (Dkt. 9). The Court construed the filing as a Motion for Reconsideration under Rule 60(b) of the Federal Rules of Civil Procedure, denied the Motion, and granted Petitioner an additional 30 days to pay the \$5 filing fee. (Dkt. 10). The Court again warned that

“[i]f Petitioner does not comply with these instructions, this case will be DISMISSED without prejudice.” (Id.).

To date, Petitioner has not paid the filing fee or otherwise responded to the Court’s orders requiring him to do so. Accordingly, this action is DISMISSED without prejudice. See, e.g., Dumphy v. CDC, 2008 WL 4344767, at \*1 (S.D. Cal. Sept. 23, 2008) (federal court cannot proceed on habeas petition until petitioner has paid fee or qualified for in forma pauperis status, and properly dismisses action without prejudice if petitioner fails to do either).

IT IS SO ORDERED.

Date: July 10, 2023

A handwritten signature in blue ink that reads "Dale S. Fischer". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Dale S. Fischer

United States District Judge